

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

RECEIVED

MAR - 8 2017

CLERK, U.S. DISTRICT COURT  
By *W.O. 203*  
Deputy

THOMAS E. PEREZ, Secretary of Labor,  
[now EDWARD HUGLER, Acting Secretary  
of Labor]

Plaintiff,

Civil Action No. 4:16-cv-1057-A

v.

ASSOCIATION OF PROFESSIONAL  
FLIGHT ATTENDANTS,

Defendant.

**ANSWER**

Defendant Association of Professional Flight Attendants (“APFA”), through undersigned counsel, hereby files this Answer to Plaintiff’s Complaint.

**FIRST DEFENSE**

APFA hereby answers the allegations set forth in the correspondingly numbered paragraphs of the Complaint as follows:

1. This paragraph of the Complaint merely sets out Plaintiff’s description of its action against APFA, and thus requires no response. To the extent a response is required, APFA denies that Plaintiff’s action against APFA is justified, and further denies that Plaintiff is entitled to relief against APFA in any form.

2. Admitted.
3. Admitted.

4. Admitted that Plaintiff Thomas E. Perez was the duly appointed Secretary of Labor at the time that this action was initiated against APFA, and that Mr. Perez had the statutory authority to bring this action.

5. Admitted.

6. Admitted.

7. Admitted, except averred that the results of the January 9, 2016 officers election necessitated a runoff election for certain officer positions that was held at a later date.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. APFA lacks knowledge or information sufficient to form a belief about the truth of the allegation that Morales filed a timely complaint with the Secretary of Labor on March 7, 2016, and therefore denies this allegation.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted that Plaintiff investigated the Morales complaint and purported to find probable cause that violations had occurred and that such violations had not been remedied at the time of the institution of this action. Denied that such probable cause or violations exist.

20. Admitted.

21. Denied.

22. Admitted that under the BallotPoint internet-based electronic voting system at issue, “[m]ember records, including voter email addresses, are stored on one server, while members’ votes are stored on another server.” Denied that “[a] link between the two servers, and thus between the voters and their votes, is evident because the system is capable of sending a confirmation email message to the voter after the voter has voted successfully or after a voter has voted but the system has malfunctioned, so that the voter is notified that he or she must vote again.”

23. Admitted that “[d]uring the course of its investigation, Plaintiff obtained data and records from BallotPoint.” APFA lacks knowledge or information sufficient to form a belief about the truth of the allegation that using these data and records “Plaintiff was able to match the names of 4,082 voters out of 9,335 votes cast to their choice of candidates,” and therefore denies this allegation.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

Second Defense

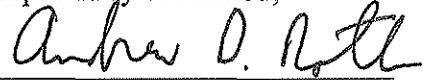
The Complaint fails to state a claim upon which relief can be granted.

Answer to Prayer for Relief

Denied that Plaintiff is entitled to the relief prayed for in the Complaint, at p. 6, or to any other form of relief.

WHEREFORE, APFA prays that the court grant judgment in its favor and against Plaintiff; that the Complaint be dismissed in its entirety with prejudice; that Plaintiff be denied the relief prayed for in the Complaint; and that APFA be awarded its costs in defending this action, as well as such other relief as the court may deem just and proper.

Respectfully submitted,



ANDREW D. ROTH\*  
D.C. Bar No. 414038  
ADAM BELLOTTI\*  
D.C. Bar No. 1020169  
Bredhoff & Kaiser, P.L.L.C.  
805 Fifteenth St. N.W., Tenth Floor  
Washington, D.C. 20005  
Tel: (202) 842-2600  
Fax: (202) 842-1888  
Email: aroth@bredhoff.com  
Email: abellotti@bredhoff.com

SANFORD R. DENISON  
Texas Bar No. 05655560  
Baab & Denison, LLP  
6301 Gaston Avenue, Suite 550  
Dallas, TX 75214  
Tel: (214) 637-0750  
Fax: (214) 637-0730  
Email: denison@baabdenison.com

Attorneys for Defendant APFA

\*Admitted Pro Hac Vice

Dated: March 8, 2017

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 8th day of March, 2017, the above and foregoing document was served on Plaintiff's counsel of record electronically by email transmission and by USPS, First Class mail, postage prepaid, as authorized by Federal Rule of Civil Procedure 5(b), addressed to the following:

Brian W. Stoltz  
Assistant United States Attorney  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8626  
Facsimile: 214-659-8807  
[brian.stoltz@usdoj.gov](mailto:brian.stoltz@usdoj.gov)

  
SANFORD R. DENISON